



भारत का राजपत्र

The Gazette of India

बसधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 25] नई दिल्ली, शुक्रवार, जुलाई 21, 1989/आषाढ़ 30, 1911
No. 25] NEW DELHI, FRIDAY, JULY 21, 1989/ASADHA 30. 1911

इस भाग में भिन्न पृष्ठ संख्या वाली है जिससे कि यह असग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 21st July, 1989:—

BILL No. 52 OF 1989

A Bill further to amend the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1989.

(2) The provisions of sections 2, 4 and 5 shall be deemed to have come into force on the 1st day of November, 1986 and the provisions of sections 3 and 6 shall be deemed to have come into force on the 1st day of April, 1986.

Short
title
and
com-
mence-
ment.

CHAPTER II

**AMENDMENT OF THE HIGH COURT JUDGES (CONDITIONS OF SERVICE)
ACT, 1954**

Amend-
ment of
section 4

- 2. In section 4 of the High Court Judges (Conditions of Service) Act, 1954, (hereafter in this Chapter referred to as the High Court Judges Act), in sub-section (2), in clause (a), in sub-clause (iii), for the words "one hundred and eighty days", the words "two hundred and forty days" shall be substituted.**

28 of 1954.

Amend-
ment of
section 9.

- 3. In section 9 of the High Court Judges Act,—**

(a) in sub-section (1), for the words "and thereafter two thousand two hundred and twenty rupees", the words "and thereafter, in the case of the Chief Justice, fifty-five per cent. of the monthly rate of his salary and in the case of each of the other Judges, sixty per cent. of the monthly rate of his salary" shall be substituted;

(b) in sub-section (2), for the words "one thousand one hundred and ten rupees", the words ", in the case of Chief Justice, twenty-seven and a half per cent of the monthly rate of his salary and in the case of each of the other Judges, thirty per cent. of the monthly rate of his salary" shall be substituted.

Amend-
ment of
section 17A.

- 4. In section 17A of the High Court Judges Act, in sub-section (1), for the words "family pension so admissible", the words "family pension so admissible subject to a minimum of three hundred and seventy-five rupees per month" shall be substituted.**

CHAPTER III

**AMENDMENT OF THE SUPREME COURT JUDGES (CONDITIONS OF SERVICES)
ACT, 1958**

Amend-
ment of
section 4.

- 5. In section 4 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereafter in this Chapter referred to as the Supreme Court Judges Act), in sub-section (2), in clause (a), in sub-clause (iii), for the words "one hundred and eighty days", the words "two hundred and forty days" shall be substituted.**

41 of 1958.

Amend-
ment of
section 9.

- 6. In section 9 of the Supreme Court Judges Act,—**

(a) in sub-section (1), for the words "and thereafter two thousand two hundred and twenty rupees", the words "and thereafter, in the case of the Chief Justice, fifty per cent. of the monthly rate of his salary and in the case of each of the other Judges, fifty-five per cent. of the monthly rate of his salary" shall be substituted;

(b) in sub-section (2) for the words "one thousand one hundred and ten rupees", the words ", in the case of the Chief Justice, twenty-five per cent. of the monthly rate of his salary, and in the case of each of the other Judges, twenty-seven and a half per cent. of the monthly rate of his salary" shall be substituted.

Amend-
ment of
section 16A.

- 7. In section 16A of the Supreme Court Judges Act, in sub-section (1), for clause (b), the following clauses shall be substituted, namely:—**

"(b) dies after retirement on attaining the age of sixty-five years, family pension shall be calculated at the rate of half of the

family pension so admissible to him and shall be payable to the person or persons entitled thereto;

(c) dies after retirement after seeking premature retirement and before attaining the age of sixty-five years, family pension shall be calculated at the rates specified in clause (a) and shall be payable to the person or persons entitled thereto.”.

STATEMENT OF OBJECTS AND REASONS

Consequent to the implementation of the major recommendations of the Fourth Pay Commission, further, certain minor amendments to the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958 have become necessary.

2. At present the Judges of the High Courts and Supreme Court who have held pensionable post prior to their appointment as such Judges are given the benefit of carry forward of leave earned by them in their earlier post, subject to a ceiling of 180 days. This ceiling is proposed to be raised to a maximum of 240 days with effect from 1-11-1986.

3. The salaries of Judges of High Courts and Supreme Court were revised with effect from 1-4-1986, but the rates of leave allowances were not revised. It is, therefore, proposed to revise the rates of the allowances with effect from 1-4-1986.

4. The Judges of High Courts who prior to their appointment, have not held a pensionable post and who retire within less than seven years of service are paid a minimum pension of Rs. 15,750 per annum. Family Pension in their case is calculated at the rate of half of the pension. This is payable to his family for a period of seven years or up to the date when the Judge would have attained the age of 65 years, and, thereafter, half of the family pension so admissible. The amount of minimum family pension for seven years after retirement or 65 years of age comes to Rs. 328 p.m. Now this amount is proposed to be increased to Rs. 375 per month with effect from 1-11-1986. Opportunity is being availed of to make certain other amendments of a clarificatory nature.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;

B. SHANKARANAND

The 12th July, 1989.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND
274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 24/60/87-Jus., dated the 17th July, 1989 from Shri B. Shankaranand, Minister of Law and Justice to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the High Court and Supreme Court Judges (Conditions of Service) Amendment Bill, 1989 recommends the introduction and consideration of the Bill in Lok Sabha under article 117(1) and (3) and 274(1) of the Constitution of India.

FINANCIAL MEMORANDUM

Clauses 2 and 5 of the Bill seek to amend section 4 of the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958 so as to raise the ceiling of carry forward leave of the Judges of every High Court and the Supreme Court from 180 days to 240 days. The proposal, however, does not involve any additional expenditure as the Judges are already entitled to encashment of leave up to 240 days.

2. Clauses 3 and 6 of the Bill seek to amend section 9 of the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958 so as to raise the leave allowances payable to Judges. There will, however, be no additional expenditure on this account.

3. Clause 4 of the Bill seeks to amend section 17A of the High Court Judges (Conditions of Service) Act, 1954 so as to fix the minimum family pension of Rs. 375 per month to the families of High Court Judges who have not held a pensionable post prior to their appointment as such. As there are very few Judges who retire with less than 7 years of service with minimum pension raising of minimum family pension will also have insignificant financial implication. It is not possible to estimate this expenditure. However, the recurring expenditure on this account is estimated at Rs. 2,000 per annum.

4. The Bill does not involve any other expenditure, either recurring or non-recurring.

SUBHASH C. KASHYAP,
Secretary-General.

